

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SERVER TECHNOLOGY, INC.,

Plaintiff/Counter-Defendant,

v.

AMERICAN POWER CONVERSION
CORPORATION; and SCHNEIDER
ELECTRIC IT CORPORATION,

Defendants/Counter-Plaintiffs.

Case No. 3:15-cv-0329-LRH-WGC

ORDER

This is a patent infringement action between plaintiff and counter-defendant Server Technology, Inc. (“STI”) and defendants and counter-plaintiffs American Power Conversion Corporation (“APC”) and Schneider Electric IT Corporation (“Schneider”). Both STI and APC manufacture intelligent power distribution units (“PDUs”).

In 2006, STI brought suit against APC alleging that APC’s AP7900 and AP8900 series of products infringed two of STI’s patents: United States Patents numbers 7,043,543 (“the ‘543 patent”), and 7,702,771 (“the ‘771 patent). *Server Tech, Inc. v. Am. Power Conversion Corp*, case no. 3:06-cv-0698-LRH-VPC (“STI I”) (ECF No. 1). Between May 12 and May 27, 2014, a jury trial was held in STI I on the issues of infringement and invalidity. On May 29, 2014, the jury returned a verdict finding that APC’s AP7900 and AP8900 product lines infringed claim 15 of both the ‘543 and ‘771 patents. *Server Tech, Inc.*, case no. 3:06-cv-0698-LRH-VPC (ECF No. 590). APC appealed the jury verdict to the Federal Circuit. *Server Tech, Inc.*, case no.

1 3:06-cv-0698-LRH-VPC (ECF No. 673). While the appeal was pending in STI I, STI brought
 2 suit against defendants in the present action alleging that APC's AP8600 series of products – a
 3 line of PDUs not litigated in the first action between the parties – infringed the same two STI
 4 patents: United States Patents numbers 7,043,543 ("the '543 patent"), and 7,702,771 ("the '771
 5 patent). ECF No. 1. Subsequently, the parties filed a joint motion to stay proceedings in this
 6 action (ECF No. 35) which was granted by the court in October 2015 (ECF No. 36). This action
 7 has been stayed since that time.

8 On September 23, 2016, the Federal Circuit issued an order in STI I and remanded that
 9 action back to this court. *See Server Tech., Inc. v. Am. Power Conversion Corp.*, 657 Fed. Appx.
 10 1030 (Fed. Cir. 2016). Upon receiving the Federal Circuit's decision, the court issued an order
 11 setting forth the procedure for the continuation of litigation in STI I. *See Server Tech, Inc.*, case
 12 no. 3:06-cv-0698-LRH-VPC (ECF No. 691). In light of the Federal Circuit's decision and the
 13 court's February 23, 2017 order in STI I, the court finds that there is no reason to continue the
 14 stay in the present action. Therefore, the court shall lift the underlying stay.

15 Additionally, the parties are directed to meet and confer and file a joint status report
 16 within twenty (20) days of entry of this order addressing all pending issues, claims, and defenses
 17 in this action. Such joint status report shall also address the need for any claim construction of
 18 the underlying patents and set forth a proposed schedule for the filing of any briefs or pleadings
 19 related to the issue of claim construction.

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21 IT IS THEREFORE ORDERED that the stay in case no. 3:15-cv-0329-LRH-WGC
 22 entered on October 6, 2015, is hereby LIFTED.

23 IT IS FURTHER ORDERED that the parties shall, within twenty (20) days of entry of
 24 this order, file a joint status report in accordance with this order.

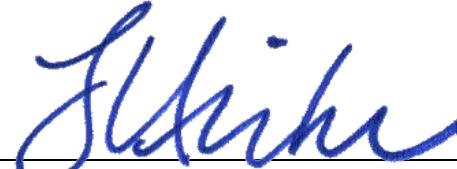
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IT IS SO ORDERED.

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DATED this 9th day of March, 2017.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE